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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

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**ELESHA SOTO,**

**Plaintiff,**

**v.**

**WALMART (PRICE LOCATION), et al.,**

**Defendants.**

**ORDER AFFIRMING & ADOPTING  
REPORT & RECOMMENDATION**

**Case No. 2:22-CV-735-DAK-DAO**

**Judge Dale A. Kimball**

**Magistrate Judge Daphne A. Oberg**

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This case was assigned to United States District Court Judge Dale A. Kimball, who then referred the case to United States Magistrate Judge Daphne A. Oberg under 28 U.S.C. § 636(b)(1)(B). On August 8, 2023, Magistrate Judge Oberg issued a Report and Recommendation [ECF No. 14], recommending that this case be dismissed with prejudice for failure to state a claim. The Report and Recommendation notified Plaintiff that any objection to the Report and Recommendation must be filed within fourteen days of receiving it.

On August 10, 2023, Plaintiff filed a document, signed and dated August 7, 2023, entitled “Clerical error of amended complaint/Certificate of Default, Default Judgment.” Given that Plaintiff dated the document August 7, 2023, the document does not appear to be an objection to the Report and Recommendation. The deadline for Plaintiff to file an objection to the Report and Recommendation has passed, and Plaintiff has not filed any other document that could be construed to be an objection to the Report and Recommendation.

A Magistrate Judge's Report and Recommendation is subject to *de novo* review by this court. *See* 28 U.S.C. § 636(b)(1)(B); *see also* Fed. R. Civ. P. 72(b). The court has reviewed the Report and Recommendation and the record *de novo* and agrees with Magistrate Judge Oberg's recommendations in their entirety. Plaintiff does not allege any specific facts against any Defendant that would support a civil rights claim or *Bivens* claim. The court has previously explained the deficiencies in Plaintiff's Complaint, but she has not attempted to comply with the requirements for stating a claim. The court agrees that further opportunities to amend would be futile. Therefore, the court adopts and affirms Magistrate Judge Oberg's Report and Recommendation as to the dismissal of Plaintiff's case with prejudice. Accordingly, this action is dismissed with prejudice.

DATED this 18th day of September, 2023.

BY THE COURT:

  
DALE A. KIMBALL  
United States District Judge